

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ballert et al.

Examiner:

Serial No.: 10/772,925

Date: August 5, 2004

Filed: February 5, 2004

Docket: 298-226

For: A DRIVE WITH A HYDRO MACHINE

Commissioner for Patents
MAIL STOP MISSING PARTS
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed on the attached form PTO-1449 is brought to the attention of the Examiner. A copy of the listed items is enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to a substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 5, 2004


George M. Kaplan

U.S. Patent No. 4498847 is equivalent to DE 3323307, with the four foreign references cited under category "A" in a search report (copy enclosed from the counterpart European application) thus satisfying the requirement for a concise explanation of relevance under M.P.E.P. §609.

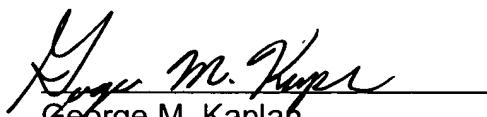
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

- This information disclosure statement is being filed within three (3) months of the filing date of this application.
- This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application.
- To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- Enclosed herewith is a certificate under 37 C.F.R. § 1.97(e)(1).
- Enclosed herewith is a petition under 37 C.F.R. § 1.97(d)(ii).
- Enclosed by check is the petition fee of \$130.00. 37 C.F.R. § 1.17(i)(1))
- Please charge the **\$130.00** petition fee to Deposit Account No. **04-1121**.
- Enclosed by check is the **\$180.00** fee required by 37 C.F.R. § 1.17(p).
- Please charge the **\$180.00** fee required by 37 C.F.R. § 1.17(p) to Deposit Account No. **04-1121**.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 04-1121. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



George M. Kaplan
Reg. No. 28,375
Attorney for Applicant(s)

DILWORTH & BARRESE LLP.
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 04-1121. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

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| Form PTO-1449 | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTY. DOCKET NO. 298-226 | SERIAL NO. 10/772,925 | |
|--|-----------------|--|----------|-----------------------------|--------------------------|----------------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | APPLICANTS Ballert et al. | | | | |
| | | FILING DATE February 5, 2004 | | GROUP ART UNIT | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 4498847 | 02/85 | AKIYAMA | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
| | | | | | | YES |
| | 10037195 | 02/02 | GERMANY | | | |
| | 19953170 | 05/01 | GERMANY | | | |
| | 0972939 | 01/00 | EUROPEAN | | | |
| | 3323307 | 12/83 | GERMANY | | | |
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| OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
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| <p>* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> | | | | | | |